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PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1056 (1996) of 29 May 1996, requesting me to report by 31 August 1996 on the outcome of efforts to overcome the impasse in the implementation of the settlement plan (S/21360 and S/22464). In that resolution, the Security Council endorsed my recommendation that the identification process be suspended until such time as both parties, Morocco and the Frente POLISARIO, provide concrete and convincing evidence that they are committed to resuming and completing it without further obstacles, in accordance with the plan. The Security Council supported my proposal to reduce the strength of the military component of the United Nations Mission for the Referendum in Western Sahara (MINURSO) by 20 per cent on the understanding that this would not impair its operational effectiveness in monitoring the cease-fire. It also supported my proposal to maintain a political office to continue the dialogue with the parties and the neighbouring countries, Algeria and Mauritania, and called upon the parties, as a demonstration of good will, to cooperate in the release of Saharan political prisoners and the exchange of prisoners of war on humanitarian grounds, as soon as possible.

2. Section II of the present report covers the discussions with the parties and the neighbouring countries undertaken by my Acting Special Representative, Mr. Erik Jensen; section III deals with the identification process; section IV addresses other aspects of the plan, and section V covers the military and civilian police components.

II. MEETINGS WITH THE PARTIES AND NEIGHBOURING COUNTRIES

3. My proposal to maintain a political office, as supported by the Security Council, has been implemented. It is led by my Acting Special Representative, who has been active in continuing the dialogue with the parties and the two neighbouring countries, and has made repeated efforts to help set the parties on course for the resolution of their differences. He is assisted by a small

staff in Laayoune and the Tindouf area. The role of the office will be strengthened, as needed, in the light of developments.

4. Upon the adoption of resolution 1056 (1996), my Acting Special Representative requested early meetings with the parties. Since then, he has met several times with representatives of the Government of Morocco, including the Minister of the Interior, Mr. Driss Basri. He has also had several meetings with leaders of the Frente POLISARIO, including the Frente POLISARIO Coordinator with MINURSO, Mr. Bachir Mustafa Sayed. In addition, he has visited the neighbouring countries: on 17 July 1996 he met in Algiers with the Minister for Foreign Affairs of Algeria, Mr. Ahmed Attaf, and on 23 July 1996, he was received in Nouakchott by the President of Mauritania, His Excellency Mr. Maaouiya Ould Sid' Ahmed Taya, and also met with Mr. Lemrabet Sidi Mahmoud Uld Sheikh Ahmed, Minister for Foreign Affairs of Mauritania.

5. At these meetings the discussion focused on ways of breaking the current impasse in the implementation of the settlement plan, particularly issues highlighted by the Security Council: the resumption of identification, the release of political prisoners, the exchange of prisoners of war, and the exploration of options for other confidence-building measures.

6. In order to resolve the principal obstacle to the resumption of identification, my Acting Special Representative discussed the idea of organizing a gathering of tribal leaders (sheikhs), selected according to stringent criteria relating to their individually recognized status, their earlier participation in identification, and with balanced tribal affinity. These sheikhs would be asked to determine the subfractions belonging to the Territory whose members would have the right to be identified. Although both Morocco and the Frente POLISARIO have again professed their commitment to the settlement plan, their positions regarding the resumption of identification remain irreconcilable, as presented in paragraphs 25 and 26 of my report of 8 May 1996 (S/1996/343). Furthermore, while the Frente POLISARIO invokes the compromise proposals contained in my reports of 28 July 1993 (S/26185) and 10 March 1994 (S/1994/283), that applicants should be members of "a Saharan subfraction included in the 1974 census", the Government of Morocco maintains, to the contrary, that the contested groups are like other subfractions, that there can be no basis for dealing differently with their members, and that the language used in the compromise proposals was not intended to make any such distinction. In these circumstances, a meeting of sheikhs could not be expected to contribute to a solution.

7. The Government of Algeria has reiterated its support for our efforts and has suggested, as a means of breaking the impasse, an approach based on a "package deal" to cover all aspects of the settlement plan as most likely to secure the agreement of the two sides. Algeria considers that negotiation is necessary and believes that certain influential Governments might be increasingly interested in moving the process forward. While viewing the current situation as critical and fraught with potential instability and danger to the region, the Government of Mauritania also considers the moment opportune for renewed effort. It is fully supportive of our efforts to find ways to overcome the impasse.

III. IDENTIFICATION COMMISSION

8. Before the suspension of the identification process, 77,058 applicants had been convoked, and 60,112 of them had been identified. Subsequently, a further 163,980 files have been prepared for convocation. Identification, in accordance with my compromise proposal, was based on strict criteria as to acceptable evidence and always took place openly in the presence of representatives of both sides and an observer of the Organization of African Unity (OAU). All cases presented for identification have since been meticulously reviewed. Applicants' files were re-examined in family groups in order to correlate information and ensure consistent decision-making. All the data was further computer scrutinized and verified.

9. The staff of the Identification Commission has been reduced. While most left at the end of March or the end of May, 22 staff members were asked to remain through July in order to close the remaining centres and to prepare the identification archives for storage. The identification centres in the Territory, at Boujdour, Dakhla, Smara and Laayoune, were closed in April and early May. The registration centre in Nouadhibou, which had been scaled down in March, was closed at the end of May. In the Tindouf area, sensitive equipment was relocated from the centres in Auserd Camp, El-Aiun Camp, Smara Camp and Dajla Camp to the Tindouf base in late June/early July. On 16 and 23 July from Laayoune, and on 6 August from Tindouf, the identification archives were transferred by United Nations aircraft to the United Nations Office at Geneva. Arrangements have been made for the secure storage of the files.

10. With the suspension of the identification process, most of the OAU observers departed. However, a high-level OAU presence remains to ensure continued cooperation with MINURSO. I should like, once again, to express my appreciation to OAU for its contribution throughout the identification process and for its continuing support for the implementation of the settlement plan.

IV. OTHER ASPECTS OF THE SETTLEMENT PLAN

Release of political prisoners

11. Pursuant to paragraph 9 of resolution 1056 (1996), arrangements were made in cooperation with my Acting Special Representative for the Independent Jurist, Mr. Emmanuel Roucounas, to visit the mission area urgently and the first visit took place in early July. In Rabat, the Independent Jurist, together with my Acting Special Representative, met with the Moroccan authorities to follow up on an unofficial list containing the names and dates of arrest of alleged Saharan political prisoners, which had been communicated earlier to the Government of Morocco.

12. The Moroccan authorities responded that research concerning the persons listed, conducted since the last meeting with the Independent Jurist in September 1995, indicated that eight persons who, a year ago, had been condemned to long prison sentences, but whose term had been reduced to one year as a result of a royal pardon, were to be released in early July. As for the rest, the Moroccan authorities said a considerable number was unknown, some names were

allegedly duplicated in the list, some had been freed, some were already dead, and a small number were said to be with the Frente POLISARIO.

13. The Moroccan authorities informed the Independent Jurist that, at this stage, they were not prepared to discuss individual names and cases in the unofficial list. They indicated readiness, however, to engage in discussion of a formal list established by the Independent Jurist on the basis of definite elements provided by the Frente POLISARIO and transmitted to the Moroccan authorities officially by the United Nations.

14. The Independent Jurist inquired about the situation of 10 young Saharans who, according to a letter from the Frente POLISARIO dated 17 July 1996, addressed to my Acting Special Representative, had been arrested in Boujdour on 20 May 1996. The Moroccan authorities responded that they were not aware of any detentions for political reasons.

15. After his discussions with the Moroccan authorities, the Independent Jurist and the Acting Special Representative of the Secretary-General travelled to Las Palmas where they met with representatives of the Frente POLISARIO. The Frente POLISARIO stressed the need for effective action on the question of political detainees and announced its readiness to contribute to the work of the Independent Jurist. The Independent Jurist informed the representatives of the Frente POLISARIO of his readiness to visit the Tindouf area during the second half of August 1996.

Exchange of prisoners of war

16. The goal of an early release of prisoners of war, on humanitarian grounds, is being explored.

V. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

17. The reduction of the military component by 20 per cent has been implemented gradually through the non-replacement of observers at the close of their tours of duty. As of the end of August, the number of military personnel will have been reduced from 288 to 258 (see annex I), and will reach 232 by the end of September. The approved figure of 230 will be attained in October.

18. The reduction in personnel has required an adjustment in the distribution of patrolling activities in the field, in order to maintain the presence and visibility of observers and their contacts with the parties at the optimum level. Thus, though the size of the sector headquarters staffs has been reduced, Sector South headquarters at Dakhla has been retained, while the team site at Dougåj, which had no airstrip, was closed on 8 August and its operational activities transferred to Agwanit team site. The other four team sites in that Sector continue to mount the same number of patrols as before the curtailment, despite the reduced number of staff.

19. The cease-fire continues to hold. However, a few days prior to the adoption of resolution 1056 (1996) on 29 May 1996, my Acting Special Representative was obliged to protest strongly about steps taken by some local POLISARIO commanders. The latter purported to place restrictions on the freedom of movement of MINURSO observers at some team sites, apparently to register their concern about the discussions over the draft resolution then taking place in New York. Though the matter was swiftly resolved, United Nations military observers noted a number of technical violations on the part of POLISARIO forces throughout June. These included unauthorized live-fire exercises and unauthorized movements of weapons.

20. POLISARIO regional military commanders have also expressed frustration at the impasse in the political process. In contacts with United Nations military observers, they have said they would continue to await a political solution until 30 November 1996, when the current mandate of MINURSO expired. However, if no progress was achieved, they said they would have no option but to return to war, since a cease-fire in the absence of a political agreement acted to their disadvantage.

Civilian police component

21. During the reporting period, the civilian police component of MINURSO, headed by Brigadier-General Walter Fallmann (Austria), was reduced from 44 to 7 (see annex II), in keeping with the reduction in the work of the Identification Commission and the reduced budget allocation for this component. Upon the departure of Brigadier-General Fallmann on 25 July, his deputy, Lieutenant Colonel Jan Kleven (Norway), became Acting Police Commissioner.

22. The civilian police maintained 24-hour security at the identification centres until their closure and provided technical assistance in closing centres, packing identification materials and ensuring their safe transfer to Geneva. The remaining civilian police component continues to ensure the security of computerized information and other sensitive equipment in Laayoune and Tindouf, provides other assistance to the Mission and maintains relations with the local civilian police authorities.

23. Comparable reductions have been made in the personnel assigned to administration and related support services.

VI. OBSERVATIONS

24. Given the current positions of the two parties, it is unlikely that the identification process will be resumed any time soon. I believe the current deadlock can be broken and progress achieved only when both parties recognize that identification is a scrupulous process based on clear principles, and in the context of a broader agreement.

25. I appeal to the two parties to demonstrate flexibility and to cooperate with my Acting Special Representative in his efforts to help them find a solution to their differences. I hope that the support expressed by the two neighbouring countries both to myself and to my Acting Special Representative

will also contribute to overcoming the current impasse. I also appeal to Member States that have influence with the parties to lend their support to the efforts of the United Nations.

26. I should like to express my satisfaction that the cease-fire is holding. I appeal to both sides to continue upholding it as efforts continue to seek a solution to the current impasse.

Annex I

CURRENT MINURSO STRENGTH

	Current strength		
	UNMOs	Support units	Personnel
Argentina	1		1
Austria	4		4
Bangladesh	7		7
China	16		16
Egypt	12		12
El Salvador	2		2
France	27		27
Ghana	6	7	13 a/
Greece	1		1
Guinea	3		3
Honduras	12		12
Ireland	8		8
Italy	5		5
Kenya	10		10
Malaysia	14		14
Nigeria	3		3
Pakistan	5		5
Poland	3		3
Portugal	6		6
Republic of Korea	2	40	42 b/
Russian Federation	25		25
Tunisia	9		9
Uruguay	12		12
United States of America	15		15
Venezuela	3		3
TOTAL	211	47	258

a/ Ghana support units = 7 nco clerks.

b/ Medical personnel only.

Annex II

MINURSO

Civilian police officers

	CIVPOL
Austria	2
Hungary	1
Norway	1
Togo	2
Uruguay	1
TOTAL	7

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